

ESPANOLA POLICE DEPARTMENT

SUPPLEMENTAL REPORT

BY CHIEF JOE A. MARTINEZ

Case: Battery on a Police Officer
Resisting, Evading or Obstructing an Officer

Date of Occurrence: July 31, 2010

On August 5, 2010 I was informed by City Manager James V. Lujan to meet with him and the Gallegos family on August 6, 2010.

Antonio Gallegos and Kristian Pettine felt that they were unjustly arrested on July 31, 2010 when Espanola Police Department Officers were called to their residence/place of business for reportedly someone pulling a gun on someone.

According to 911 tapes (call available on disc) the reporting party Alfonzo Gurule was at the Chevron Gas Station across the street wanting the Police because an individual at the Trailer Sales Place had pulled a gun on him.

Antonio Gallegos and Kristian Pettine said that they were not drunk at the time. The officers were told that the individual they were looking for was not there but they insisted on looking and that Antonio told him that he was going inside. They told him to stay outside but he started walking in the house feeling that he shouldn't have to. At that time he was going in Officer Robert Vigil went after him and physically detained him and then took him down to the ground and that Officer Apodaca used his taser on him once when he was struggling with Officer Vigil and then again when he was down on the ground. CYFD was called for and her daughter was taken into custody and then given to the father. They do not believe that a reason for this existed. Antonio Gallegos's father was also present as were another friend and Antonio's seventeen year old son. Antonio's father did say he had already talked to Magistrate Alex Naranjo who is a friend of his.

I contacted the Officers involved and had them give me their side of the story. (See report by Jeremy Apodaca for details.) Officer Robert Vigil stated that a weapon was believed to be somewhere on the premises of the vehicle so they could not allow anyone out of their sight. Antonio Gallegos refused to obey their orders to remain outside while the investigation was going on.

I contacted Public Service Officer Brian Martinez who had also responded to the scene with Officer Jeremy Apodaca and Officer Robert Vigil; PSA Officer Brian Martinez had taken pictures of the broken bottle in front of the house. liquor bottle in the vehicle as well as some empties. He also had pictures of what looked to be old injuries on the baby's hands. PSA Brian Martinez has also took photos of the baby seat in the vehicle,

Exhibit E

when asked why he said that the seat was loose and not secured in a safe manner or the way it was intended to be.(see photos attached)

Sergeant Jeff Martinez also responded to the scene. He got there after everyone was in custody. He spoke to the Officers and agreed with their decision based on what the Officers told him. Everyone at the scene was intoxicated and the child being taken by CYFD was in the best interest of the child.

Sergeant Jeff Martinez transported Ms. Pettine to the detention center and said that she was definitely intoxicated. Her vehicle had been searched with her consent, it was littered with empty beer cans as well as a liquor bottle on the seat. Sergeant Martinez said that Antonio Gallegos at the detention center was demanding and belligerent towards Officers.

On this same date I went to the detention center and spoke with some of the Detention Officers that were on duty at the time of incarceration.

Detention Officer David Oveado said that Antonio Gallegos and the Girl (Pettine) were both intoxicated, as well as the other individuals brought in for detoxification.

Detention Officer Shawn Madrid said that he also saw the individuals arrested on that day. He spoke to the female because she was yelling from her cell to the other cells. She was intoxicated.

I also obtained booking photos for the two individuals. (see attached)

Exhibit E